

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF KINGS: CRIMINAL TERM: PART 2

3 - - - - -X

4 THE PEOPLE OF THE STATE OF NEW YORK, X Indictment No:  
6615/2012

5 - against - X

6 ATARA WISDOM, X

7 Defendant. X

8 - - - - -X

9 September 9, 2014  
10 320 Jay Street  
Brooklyn, New York 11201

11 B E F O R E: THE HONORABLE ALBERT TOMEI,  
Supreme Court Justice

12 A P P E A R A N C E S:

13 FOR THE PEOPLE:  
14 KENNETH P. THOMPSON, ESQ.  
District Attorney - Kings County  
15 350 Jay Street  
Brooklyn, New York 11201  
16 BY: PHYLLIS CHU, ESQ.

17 FOR THE DEFENDANT:  
18 DAVID WALENSKY, ESQ.  
910 Stuart Avenue  
19 Mamaroneck, New York

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SCOTT ISAACS,  
Official Court Reporter

## Proceedings

1 THE CLERK: This is calendar number two off the  
2 sentence calendar, indictment 6615 of 2012, People versus  
3 Atara Wisdom. The defendant is incarcerated, not produced  
4 before the Court.

5 MR. WALENSKY: David Walensky, 910 Stuart Avenue,  
6 Mamaroneck, for Ms. Wisdom.

7 MS. CHU: From the Office of the District  
8 Attorney, Phyllis Chu. Good morning.

9 MR. WALENSKY: Your Honor, there are two things.  
10 I was requesting a 390 examination of Ms. Wisdom.  
11 She's refused two probation interviews. She has a  
12 significant psychiatric history. I had in fact wanted to  
13 do a psychiatric offense, and she was adamant against it.  
14 I believe I erred frankly.

15 Additionally, I was ill for quite a bit of this  
16 summer. I wasn't able to write up this 330. I'm  
17 requesting I be given until October 6<sup>th</sup> to write up a 330  
18 and have it submitted by that date.

19 THE COURT: When are you going to get it in?

20 MR. WALENSKY: I'm going to get it in by  
21 October 6<sup>th</sup> -- prior to October 6th.

22 THE COURT: Why so late?

23 MR. WALENSKY: I need at least two weeks. I just  
24 wasn't able to write.

25 THE COURT: I'm a little confused. What are you

## Proceedings

1 going to do exactly?

2 MR. WALENSKY: I'm going to complete the 330  
3 motion, that will take me to October 6<sup>th</sup>. I mean I will  
4 submit it on October 6<sup>th</sup>.

5 THE COURT: For me to consider?

6 MR. WALENSKY: Yes. And I'm requesting a 390 to  
7 see if she is capable of being sentenced. This was --

8 THE COURT: That's in aid of sentence?

9 MR. WALENSKY: In aid of sentence, yes, Your  
10 Honor.

11 THE COURT: It's post conviction; right?

12 MR. WALENSKY: 390 is post conviction, yes, an  
13 aid of sentence. It's similar --

14 MS. CHU: It's similar to a 730.

15 MR. WALENSKY: But it's post conviction.

16 If I felt that during trial, I would have asked  
17 for a 730. Now it's a 390.

18 THE COURT: Do you have any objection, Ms. Chu?

19 MS. CHU: No, I leave it to the Court's  
20 discretion.

21 THE COURT: October 6<sup>th</sup>.

22 MR. WALENSKY: Thank you, very much.

23 THE CLERK: Is that the adjourned date,  
24 October 6<sup>th</sup>?

25 MR. WALENSKY: No, the adjourned date I guess

Proceedings

1 would be November 6<sup>th</sup> or November 7<sup>th</sup>.

2 MS. CHU: Your Honor, we are talking about you  
3 are giving him four weeks to write his motion?

4 MR. WALENSKY: No, it's --

5 MS. CHU: If you are ordering a 390, that takes  
6 about 30 days. Get your papers within two weeks.

7 MR. WALENSKY: I will try to get it in by Monday  
8 the 30<sup>th</sup>, but I'm taking into account the high holy days  
9 and I won't be working for several days.

10 We have a return date of 11/6, Your Honor?

11 THE COURT: That's a lot of time.

12 MR. WALENSKY: I will get it in by the  
13 30<sup>th</sup> then?

14 MS. CHU: If you can get a date in October, that  
15 would be preferable. Before the week of the 20<sup>th</sup> would  
16 work for me.

17 THE COURT: Give me a date.

18 MS. CHU: The 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, any of  
19 those days is fine with me.

20 THE COURT: What's the 15<sup>th</sup> or 16<sup>th</sup>?

21 MS. CHU: A Wednesday.

22 THE COURT: October what?

23 MS. CHU: 15th.

24 THE COURT: All right. October 15<sup>th</sup>.

25 THE CLERK: Is the adjourned date?

Proceedings

1 THE COURT: Yes.

2 THE CLERK: 10/15.

3 MS. CHU: Would be on for decision and 390?

4 MR. WALENSKY: Yes, 390 psychiatric. They will  
5 bring her in. What they do is they bring her in and she's  
6 interviewed generally here.

7 THE COURT: All right. October 15<sup>th</sup>.

8 \* \* \* \* \*

9 CERTIFIED TO BE A TRUE AND ACCURATE  
10 TRANSCRIPT.

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12 SCOTT ISAACS,  
13 Official Court Reporter  
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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS : CRIMINAL TERM : PART 2

- - - - -X

THE PEOPLE OF THE STATE OF NEW YORK : INDICTMENT NO.  
6615/2012

- against - :

ATARA WISDOM :

DEFENDANT : CALENDAR CALL

- - - - -X

320 JAY STREET  
BROOKLYN, NEW YORK 11201

OCTOBER 7, 2014

BEFORE: HONORABLE ALBERT TOMEI,  
JUSTICE

APPEARANCES:

KENNETH P. THOMPSON, ESQ.  
District Attorney, Kings County  
BY: PHYLLIS CHU, ESQ.  
Assistant District Attorney

DAVID WALENSKY, ESQ.  
Attorney for Defendant

LAUREN K. GANZMAN  
SENIOR COURT REPORTER

PROCEEDINGS

2

1 THE CLERK: This is calendar number one off the  
2 sentence calendar, Indictment 6615 of 2012, People versus  
3 Atara Wisdom. Defendant is incarcerated, not produced  
4 before the Court.

5 Appearances, for the record.

6 MR. WALENSKY: David Walensky, for Ms. Wisdom.

7 MS. CHU: For the Office of the District  
8 Attorney, Phyllis Chu.

9 Good morning.

10 THE COURT: Let the record reflect that the  
11 defendant has refused to come out for sentencing and the  
12 Court has ordered -- the Court has signed a force order to  
13 have her produced in court. Consequently, preparations  
14 have to be made to effectuate the order and we're going to  
15 adjourn this to tomorrow at 12:30.

16 Thank you very much.


17 MS. CHU: Thank you.

18 THE CLERK: Part 2 is adjourned.

19 THE COURT: And if it's not 12:30, it will be  
20 two o'clock tomorrow. Thank you very much.

21 \* \* \* \* \*

22 CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE MINUTES  
23 TAKEN IN THE ABOVE-TITLED PROCEEDING.

24   
25 LAUREN K. GANZMAN  
SENIOR COURT REPORTER